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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,246	11/09/2004	Erwin Muller	FRR-15710	8884
40854 7590 03/09/2007 RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/511,246	Applicant(s) MULLER, ERWIN	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I in the reply filed on 12/29/2006 is acknowledged.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of grippers" (claim 22) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 22 recites a further unwinding station as a separate element from the winding station, however the figures and specification (P5/L21-22, P6/L1-24) describe the winding station and unwinding station being the same and not separate.

5. Claims 18-21 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear from the figures and disclosure how the method is achieved. If winding and unwinding happens at the same roll while a plurality of supply streams feed

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products to the roll, how does are the products separated by gripping when unwound?

From figure 1, it appears as though the separating takes place in the same area as that of the supply stream. These two steps appear to be overlap the same area. If figure 1A (top figure of figure 1) supplies products, in what area of that structure are the products then separated after being unwound?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Reist USP 5,564,685.

Reist discloses an installation for the serial supply of individual quantities of flat products comprising:

- A means for superimposing a plurality of supply streams (40) of one type of part products each to form a row of part product groups
- A winding station for winding the row onto a roll core to form a roll (fig.1)
- A further winding station for restoring the row by unwinding the roll (fig.1)
- a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers (36)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reist USP 4,471,953 in view of Honegger USP 4,732,374.

Reist discloses an installation for the serial supply of individual quantities of flat products comprising:

- A means for superimposing a plurality of supply streams (2,3,4) of one type of part products each to form a row of part product groups
- A winding station (13) for winding the row onto a roll core to form a roll
- A further winding station (14) for restoring the row by unwinding the roll

Reist does not expressly disclose a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers.

Honegger teaches a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers (20) for the purpose of delivering the products to a further conventional processing station (C5/L5-12).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a means for separating part product groups from the front end

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of the restored row, wherein the means for separating comprises a plurality of grippers, as taught by Honegger, in the device (or method) of Reist, for the purpose of delivering the products to a further conventional processing station.

10. Claims 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,727,781 in view of Boss USP 4,684,118 and Reist USP 6,270,076.

Muller discloses an installation for the serial supply of individual quantities of flat products comprising a means for superimposing a plurality of supply streams of one type of part products each to form a row of part product groups (at least abstract) (fig.1).

Muller does not expressly disclose a winding station for winding the row onto a roll core to form a roll, a further winding station for restoring the row by unwinding the roll, or a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers.

Boss teaches a winding station for winding the row onto a roll core to form a roll and a further winding station for restoring the row by unwinding the roll (fig.3) for the purpose of storing products when the output of the preceding machine exceeds the requirements of the next following machine (at least abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a winding station for winding the row onto a roll core to form a roll and a further winding station for restoring the row by unwinding the roll, as taught by Boss, in the device (or method) of Muller, for the purpose of storing products when the output of the preceding machine exceeds the requirements of the next following machine.

Reist teaches a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers (20) for the purpose of allowing the device to deliver the products to any desired processing station (at least abstract).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a means for separating part product groups from the front end of the restored row, wherein the means for separating comprises a plurality of grippers, as taught by Reist, in the device (or method) of Muller, for the purpose of allowing the device to deliver the products to any desired processing station.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

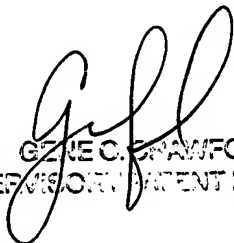
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
1/11/2007


GENE C. CRAWFORD
SUPERVISORY PATENT EXAMINER